

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46719 of 2023

Arising Out of PS. Case No.-435 Year-2021 Thana- ATRI District- Gaya

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GAURI SHANKAR @ VIDYARTHI YADAV @ VIDYARTHI, Son of Late
Lila Yadav, Resident of Village- Chahal Mudera, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Atri P.S. Case No. 435 of 2021, dated 12.12.2021 registered for
the offence(s) punishable under Section(s) 272 and 273 of the
Indian Penal Code and Section 30(a),(d) of the Bihar Prohibition
and Excise Act.

3. The main submissions advanced by learned
counsel Mr. Mrigendra Kumar appearing for the petitioner are
that the instant matter relates to the recovery of 400 litres of
Mahua material which was for the purpose of making illicit
wine, but the said alleged material was recovered from the bank
of *Paimar River* and the petitioner was not apprehended at the
spot and as per prosecution, altogether ten persons including the



petitioner were identified by the local police *chowkidar* in the light of torch, which is not believable, though against the petitioner, there are criminal antecedent of six cases which relates to Excise Act but the recovery of the excise material concerned to the said cases is stated to have been made from the bank of *Paimar River* which is an open place and accessible to everyone and this petitioner is being implicated in the cases of recovery of wine or raw materials used in manufacturing of the illicit wine which have been recovered from the bank of *Paimar River*. Further submissions are that the petitioner has been languishing in jail since 22.05.2023 and against him, the investigation has been completed and he was not apprehended at the spot.

4. Learned APP Mr. Binod Kumar No. 3 appearing for the State has opposed the prayer for bail.

5. Having regard to the facts and circumstances of this case and mainly taking into account the circumstances pointed out by the petitioner's counsel as discussed above which go in favour of the petitioner's prayer for bail, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the concerned Court in
connection with Atri P.S. Case No. 435 of 2021.

(Shailendra Singh, J.)

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